

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14538 of Julia Shadid, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (paragraph 7105.12) and a special exception under Paragraph 7106.11 to change a nonconforming use from retail sales and service of new and used electrical small appliances, first floor, to grocery store, first floor, in a R-4 District at premises 1382 East Capitol Street, N.E. and an entrance on No. 6 14th Street, N.E., (Square 1035, Lot 39).

HEARING DATE: January 21, 1987
DECISION DATE: May 4, 1988

ORDER

The subject application was originally scheduled for the public hearing of January 21, 1987. At that time, the case appeared on the preliminary calendar due to lack of evidence of adequate posting of the property and insufficient notice to property owners within 200 feet of the subject site. In addition, the Office of Planning (OP) and the Capitol Hill Restoration Society questioned whether the case should have more properly been advertised as a use variance. The Board continued the case indefinitely to allow the applicant an opportunity to provide clarification from the Zoning Administrator's Office as to the type of relief required. No additional information was received by the Board.

By letter dated March 2, 1988, the Office of the Zoning Secretariat advised the applicant that if no written statement as to the status of the application was received by March 30, 1988, the staff would request the Board to dismiss the application for failure of prosecution. No response was submitted for the record.

Upon consideration of the foregoing facts, it is ORDERED that the subject application is DISMISSED for failure of prosecution.

VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to dismiss; Lindsley Williams abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

MAY 24 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14538order/LJP36